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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,683	06/26/2003	Nathan Raymond Hughes	AUS920020326US1	5305

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07/25/2007

EXAMINER	
GAUTHIER, GERALD	

ART UNIT	PAPER NUMBER
2614	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,683	<b>Applicant(s)</b> HUGHES ET AL.	
	<b>Examiner</b> Gerald Gauthier	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show labels as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claim(s) 1, 4 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalon (US 2003/0014274 A1) in view of Gadd et al. (US 2005/0033582 A1).

Regarding **claim(s) 1**, Chalon discloses a method for enhancing user satisfaction with an automated interactive computer system (paragraph 0001) comprising the steps of:

creating a user profile in response to said ascertaining step (paragraph 0047);  
applying said user profile to modify information from said computer system (paragraph 0051); and  
presenting information so modified to said user (paragraph 0052).

Chalon fails to disclose interactively ascertaining user language usage preferences.

However, Gadd teaches interactively ascertaining user language usage preferences (paragraph 0106).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon using the teaching of individual preference as taught by Gadd.

This modification of the invention enables the interactive computer system to interactively ascertaining user language usage preference so that the model would immediately adapt to suit the user.

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Regarding **claim(s) 4**, Chalon discloses an apparatus for improving user satisfaction with an automated computer system (paragraph 0001) comprising:

- means for analyzing user indicated preferences (paragraphs 0046 and 0057);
- means for creating a user profile (paragraph 0047);
- means for storing results of said analyzing step in said user profile (paragraph 0051); and
- means for modifying subsequent presentations to said user to reflect said user indicated language usage pattern preferences (paragraphs 0051 and 0052).

Chalon fails to disclose interactively ascertaining user language usage preferences.

However, Gadd teaches interactively ascertaining user language usage preferences (paragraph 0106).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon using the teaching of individual preference as taught by Gadd.

This modification of the invention enables the interactive computer system to interactively ascertaining user language usage preference so that the model would immediately adapt to suit the user.

Regarding **claim(s) 10**, Chalon discloses a computer readable medium encoded with a capable of being executed by a computer for improving user satisfaction with computer driven automated interactive systems (paragraph 0001), comprising:

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means for analyzing user indicated preferences (paragraphs 0046 and 0057);

means, responsive to said means for analyzing, for creating a user profile (paragraph 0047);

means for storing results of said analyzing step in said user profile (paragraph 0051); and

means for modifying subsequent presentations to said user to reflect said user indicated language usage pattern preferences (paragraphs 0051 and 0052).

Chalon fails to disclose interactively ascertaining user language usage preferences.

However, Gadd teaches interactively ascertaining user language usage preferences (paragraph 0106).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon using the teaching of individual preference as taught by Gadd.

This modification of the invention enables the interactive computer system to interactively ascertaining user language usage preference so that the model would immediately adapt to suit the user.

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7. **Claim(s) 2, 5 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalon in view of Gadd and in further view of Dean et al. (US 2002/0152244 A1).

Regarding **claim(s) 2, 5 and 13**, Chalon as applied to **claim(s) 1** above differ from **claim(s) 2** for the interactive computer system comprises a Web browser.

Hayashi discloses a computer-based system but fails to specifically disclose the interactive computer system comprises at least a Web site.

However, Dean in the same field of endeavor teaches the interactive computer system comprises at least a Web site (FIG. 1 and paragraph 0050) [The system 100 uses a wide variety of web sites of the world wide web].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon as modified using the system as taught by Dean.

This modification of the invention enables the interactive computer system to comprise at least a Web site so that the user would restrict the edit operations to a limited number of relevant fragments, to affect global changes (Dean: paragraph 0020).

8. **Claim(s) 3, 8, 9, 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalon in view of Gadd and in further view of Nemoto (US 6,584,180 B2).



Regarding **claim(s) 3, 8, 9, 11 and 12**, Chalon as applied to **claim(s) 1** above differ from **claim(s) 3**, in that it fails to specifically disclose the interactive computer system is a telephonic response system including voice recognition and generation functions and the ascertaining step additionally includes iteratively querying the user to determine preferred voice qualities.

However, Nemoto in the same field of endeavor teaches the interactive computer system is a telephonic response system (Automatic Voice Response 4 on FIG. 1) including voice recognition (Voice Recognition 6 on FIG. 1) and generation functions (FIG. 1 and column 7, lines 15-25); and

the ascertaining step additionally includes iteratively querying the user to determine preferred voice qualities (FIG. 2 and column 8, lines 52-66).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Chalon as modified using the automatic voice response system as taught by Nemoto.

This modification of the invention enables the interactive computer system is a telephonic response system including voice recognition and generation functions so that the system would reduce the number of times that the user is asked to repeat uttering information (Nemoto: column 2, lines 40-45).

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***Allowable Subject Matter***

9. **Claim(s) 6 and 14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claim(s) 7 and 15** are dependents of **claims 6 and 14** respectively.

***Response to Arguments***

10. Applicant's arguments with respect to **claim(s) 1-15** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner  
Art Unit 2614

GG  
July 12, 2007